

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

ANGELA DE JESUS-CONCEPCION,
Defendant.

OPINION AND ORDER

Crim. No. 13-84 (WHW)

Walls, Senior District Judge

On October 7, 2014, after a three-day trial, a jury convicted Defendant Angela De Jesus-Concepcion on three criminal counts: (1) falsely representing herself to be a United States citizen, in violation of 18 U.S.C. § 911; (2) willfully and knowingly using a United States passport that was secured by reason of false statement, in violation of 18 U.S.C. § 1542; and (3) aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1). Defendant now moves for a new trial under Fed. R. Crim. P. 33(a), arguing that the verdict of guilty was against the weight of the evidence. ECF No. 59. Defendant submits no brief, case law or other supporting papers with her notice of motion. *Id.* The Government recapped the evidence presented at trial and the applicable law in its response in opposition. ECF No. 61.

The district court “may vacate any judgment and grant a new trial if the interest of justice so requires.” Fed.R.Crim.P. 33(a). A district court can order a new trial on the ground that the jury’s verdict is contrary to the weight of evidence only if it “believes that there is a serious danger that a miscarriage of justice has occurred—that is, that an innocent person has been convicted.” *United States v. Salahuddin*, 765 F.3d 329, 346 (3d Cir. 2014) (internal citations omitted). “Thus, motions for a new trial based on the weight of the evidence are not favored.

NOT FOR PUBLICATION


Such motions are to be granted sparingly and only in exceptional cases.” *Id.* (internal citations omitted).

Here, the record is copious with evidence, direct and circumstantial, of Defendant’s guilt on each count, as found by the jury. *See* entire trial transcript. ECF Nos. 51-54, 62. This motion borders on frivolous.

It is hereby ORDERED that Defendant’s motion for a new trial under Fed. R. Crim. P. 33 is DENIED.

DATE:

25 November 2014


United States Senior District Judge